

PROB 12C
(6/16)

Report Date: March 27, 2024

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Mar 29, 2024**Eastern District of Washington**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Brian James Lindsey

Case Number: 0980 2:22CR00111-TOR-1

Address of Offender: Spokane County Jail

Name of Sentencing Judicial Officer: The Honorable Edward J. Lodge, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: October 20, 2015

Original Offense: Interference with Commerce by Robbery, Aid and Abet the Same, 18 U.S.C. §§ 1951 and 2

Original Sentence: Prison - 97 months; Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: Patrick Cashman Date Supervision Commenced: June 21, 2023

Defense Attorney: Carter Powers Beggs Date Supervision Expires: February 20, 2026

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 10/16/2023.

On June 22, 2023, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Lindsey, as outlined in the judgment and sentence. He signed the judgment acknowledging the requirements.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Additional condition ordered on 12/07/23: Defendant shall enter into and complete an inpatient treatment program at Adult and Teen Challenge (ATC). Defendant must contribute to the cost of treatment according to his ability to pay.

Supporting Evidence: On March 19, 2024, Brian Lindsey allegedly violated the additional condition of supervision ordered by Your Honor on December 7, 2023, by electing to prematurely leave the inpatient treatment program at ATC.

On March 19, 2024, staff at ATC contacted this officer to advise that Mr. Lindsey had decided to withdraw from treatment, and was in the process of packing his belongings. According to the information received, the offender was taken to work on March 19, 2024, then requested to be picked up and returned to the facility approximately 15 minutes later. Mr. Lindsey was described as "being a spoiled brat" who wanted to return to the facility to sleep; it should be noted that the offender's work shift did not begin until 11:30 a.m. that day.

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Later that same date, at approximately 4:35 p.m. on March 19, 2024, the offender reported to the U.S. Probation Office as instructed by this officer. He claimed that he was “abused” and “mistreated,” and that when he asked treatment staff to contact this officer, that request was denied. The offender was although in constant contact with his family, who he advised even purchased items on his behalf. This officer did inquire why he did not ask them to notify his attorney or the U.S. Probation Office that he was being mistreated.

In consideration of his premature discharge from treatment, Mr. Lindsey was instructed to report immediately to the Spokane County Jail (SCJ) and return to custody, as ordered by the Court.

5 **Standard Condition #13:** You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: On March 19, 2024, Brian Lindsey allegedly violated standard condition number 13 by failing to immediately report to the SCJ as instructed by the assigned probation officer.

On the afternoon of March 19, 2024, after Mr. Lindsey elected to prematurely leave inpatient treatment at ATC, the offender was instructed to report immediately to the SCJ. Both the U.S. Marshals Service (USMS) and SCJ were notified that Mr. Lindsey should be expected to self-surrender on March 19, 2024, and copies of the Court’s order were provided to each agency as confirmation of the offender’s requirement to return to custody.

On March 19, 2024, the undersigned received notification from the SCJ that Mr. Lindsey failed to surrender himself on that date as instructed.

The next day, on March 20, 2024, jail staff notified the U.S. Probation Office and USMS that the offender finally surrendered to the jail at approximately 9:21a.m. that date.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 03/27/2024

s/Amber M.K. Andrade

Amber M.K. Andrade
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Other ***The Revocation of Supervised Release hearing scheduled for 5/8/2024 remains set.***



Thomas O. Rice
United States District Judge
March 29, 2024

Date